

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NORMAN EDWARD NIXON,

Plaintiff,

Civil No. 3:18-cv-00162-YY

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Order Awarding Attorney's Fees
pursuant to the Equal Access to Justice Act,
28 U.S.C. § 2412(d)

Before the Court is the Motion of Plaintiff, Norman Edward Nixon, for award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Based on the pleadings as well as the position of the defendant commissioner, if any, and recognizing the Plaintiff's waiver of direct payment and assignment of EAJA to his counsel,

IT IS HEREBY ORDERED that attorney fees, expenses, and costs in the total amount of Seven Thousand Eight Hundred Twenty-Three Dollars and Seventy-Nine Cents (\$7,823.79) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) are awarded to Plaintiff. *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010).

The Court hereby awards EAJA fees, broken down as follows:

1. Plaintiff is awarded 35.3 hours at \$200.78 per hour in the amount of \$7,087.53 for attorney's fees under 28 U.S.C. § 2412(d);
2. Plaintiff is awarded 7.2 hours at \$100.00 per hour in the amount of \$720.00 for Paralegal Services.
3. Plaintiff is awarded \$16.26 in expenses for Certified Mail for service of Summons and Complaint.

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees, expenses, and costs are not subject to offset allowed under the Department of the Treasury's Offset Program (TOPS), then the check for EAJA fees, expenses, and costs shall be made payable to Plaintiff's attorney, Olinsky Law Group.

Whether the check is made payable to Plaintiff or to Olinsky Law Group, the check shall be mailed to Olinsky Law group at the following address:

300 South State Street
Suite 420
Syracuse, NY 13202

So ordered.

Date: June 27, 2019

/s/ Youlee Yim You
Youlee Yim You
United States Magistrate Judge